

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**SHARONDA FRANCINE
BENNETT,**

Plaintiff,

v.

Case No: 6:21-cv-553-GKS-LHP

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

THIS CAUSE is brought pursuant to 42 U.S.C. § 405(g), by Plaintiff, Sharonda Francine Bennett, to review an adverse decision of Defendant, the Commissioner of Social Security, (Commissioner) (Doc. 1, Complaint). It comes before the Court upon Defendant's Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) With Remand of the Cause to Defendant, (Doc. 22) (Motion). Defendant's Motion specifies that upon

remand, the Appeals Council will instruct the Administrative Law Judge (ALJ) to consider the borderline age situation, state whether the higher age category has been applied or the chronological age and note the specific factors considered. The ALJ shall obtain vocational expert (VE) testimony to determine if Plaintiff has transferable skills. The ALJ shall issue a new decision.

(Doc. 22:1). The Court referred the Motion to the United States Magistrate Judge for a report and recommendation (Report and Recommendation).


On January 10, 2022, the United States Magistrate Judge issued a Report and Recommendation (Doc. 23), recommending that Defendant's Motion be granted, the Commissioner's decision be reversed and remanded, and judgment be entered for Plaintiff.

After review and consideration of the Report and Recommendation, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Leslie Hoffman Price's Report and Recommendation (Doc. 23) is **APPROVED and ADOPTED** and is made part of this Order for all purposes, including appellate review.
2. Defendant's Unopposed Motion for Entry of Judgment with Remand (Doc. 22) is **GRANTED**.
3. The Commissioner's final decision is **REVERSED**, and the action is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for the reason stated by the Commissioner.
4. The Clerk of Court is **DIRECTED** to enter Judgment

in favor of Plaintiff, Sharonda Francine Bennett, and
against Defendant Commissioner, and **CLOSE** this case.

DONE AND ORDERED at Orlando, Florida, this 7 day of February,
2022.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record
Unrepresented Parties